

BEFORE
THE PUBLIC SERVICE COMMISSION OF ✓
SOUTH CAROLINA
DOCKET NO. 93-382-S - ORDER NO. 93-583
JUNE 30, 1993

IN RE: Midlands Utility, Inc.)	ORDER
Emergency Order concerning)	FOLLOWING
sewer service for the property)	EMERGENCY
at 146 Van Arsdale Road,)	ORDER
West Columbia, SC.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the review of the Emergency Order issued in this case required by the full Commission pursuant to Regulation 103-886.

This matter first came to the attention of the Commission on the oral Application of Randy Mull of Beaufort, South Carolina, for an Emergency Order requiring Midlands Utility, Inc. (Midlands or the Company) to connect sewer service for the property at 146 Van Arsdale Road, in West Columbia, South Carolina. Mull stated that he was selling the property at that address under a buy/sell agreement to John and Mary Founderburg. The Founderburgs had made application to Midlands Utility, Inc. for connection of the sewer service at that location. Midlands refused to connect the service without the payment of a reconnection fee or the signature of Mull on an agreement to be responsible for any possible accrued arrearage of the Founderburgs on sewer service at the property.

At that time, the Staff reviewed the situation, and believed

that the property at 146 Van Arsdale Road was simply being sold to the Founderburgs by Mull and that no landlord/tenant relationship existed. Therefore, Staff did not agree with Midlands allegations that our Regulation 103-535(O) was applicable. That regulation required that Mull, as a landlord, sign an agreement before sewerage service could be hooked up at the Van Arsdale Road property, so that the account would be in both Mull's and the Founderburgs' names. This Commission subsequently issued, on June 23, 1993, an Emergency Order, over the signature of a single Commissioner, ordering Midlands to connect or restore service to the property at 146 Van Arsdale Road. The single Commissioner believed at that time that the Founderburgs should not suffer from a lack of sewer service, due to a disagreement between Midlands and Mull.

Subsequent to that time, the Staff has had the opportunity to investigate, and to review the Contract between Mull and the Founderburgs regarding the property at 146 Van Arsdale Road in West Columbia. Staff reports that the nature of the Contract is more like a residential lease agreement such as may be found between landlords and tenants, than it is like a Contract of Sale. Although there is language which would give the Founderburgs an option to buy the property at 146 Van Arsdale Road, the majority of the agreement refers to a landlord/tenant relationship. For this reason, the Commission has reexamined this matter, and now believes that our Regulation 103-535(O) applies to the situation in the case at bar. That regulation reads as follows:

In the case of a landlord/tenant relationship where the tenant is a customer, the utility may require the landlord to execute an agreement wherein such landlord agrees to be responsible for all charges billed to that premises in accordance with the approved tariffs for that utility and the rules of the Commission, and said account shall be considered the landlord's and tenant's account. In the event the landlord refuses to execute such an agreement, the utility may not discontinue service to the premises unless and until the tenant becomes delinquent on his account or until the premises are vacated. The utility may discontinue service pursuant to R.103-535.1 if the account is delinquent or may discontinue service at the time the premises are vacated and the utility shall not be required to furnish service to the premises until the landlord has executed the agreement, and paid any reconnection charges.

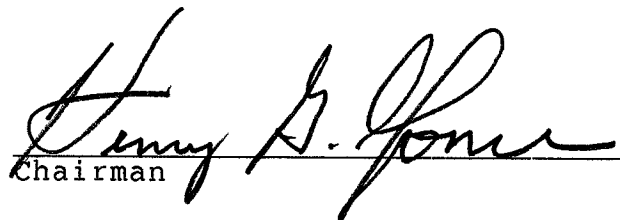
After some investigation by the Staff, the Commission now believes that this Regulation is applicable. The premises at 146 Van Arsdale Road formerly housed tenants who moved out, apparently owing Midlands an arrearage on their account. After these tenants vacated the premises, Midlands apparently followed the Regulation and disconnected service. Accordingly, the Commission now believes that Mull should be required to execute the agreement as described above, and pay any reconnection charges for continuation of the sewerage service to 146 Van Arsdale Road, since, clearly, Mull and the Founderburgs have a landlord/tenant relationship.

IT IS THEREFORE ORDERED THAT:

1. Mull shall have 20 days from the date of this Order to sign an agreement as described above and pay any reconnection charges.
2. Should Mull not follow the Commission's Order, Midlands may proceed if necessary, with the proper regulatory notification for termination of service as described in our Regulations.

3. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)